

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

IN RE:

HERMITAGE DEVELOPERS, INC.,

Debtor.

Case No. 3:08-05050
Chapter 11
Judge Lundin

**MOTION OF THE UNITED STATES TRUSTEE TO
DISMISS CASE PURSUANT TO 11 U.S.C. § 1112(b)**

The United States Trustee, Region 8 ("U.S. Trustee"), hereby moves the Court for an order pursuant to 11 U.S.C. § 1112(b) to dismiss this Chapter 11 case. This motion is excluded from Local Rule 9013 and pursuant to 11 U.S.C. § 1112(b)(1)(3), the U.S. Trustee requests a hearing date not later than 30 days after the filing date of this motion. In support of this Motion, the U.S. Trustee asserts as follows:

1. This Court has jurisdiction to hear and determine this Motion pursuant to 28 U.S.C. § 157(b)(2)(A).
2. Pursuant to 28 U.S.C. § 586(a)(3)(G), the U.S. Trustee is charged with monitoring the progress of cases under the Bankruptcy Code and taking such actions as the U.S. Trustee deems appropriate to prevent undue delay in such progress. The U.S. Trustee has standing to be heard with regard to this Motion pursuant to 11 U.S.C. § 307.
3. The Debtor commenced this case by filing a voluntary petition under Chapter 11 of the Bankruptcy Code on June 16, 2008. This case remains open and pending in the bankruptcy court. No trustee has been appointed in this Chapter 11 case.
4. Quarterly fees payable to the Office of the United States Trustee as required under chapter 123 of title 28 are owed and past due for the 3rd and 4th quarters of 2009. Until this case is dismissed or converted to another chapter, quarterly fees will continue to accrue.
5. During the course of this case the Debtor has filed three motions to sell property of the estate, and all three motions have been approved by the court. However, there is no

subsequent evidence to suggest any of the sales have actually taken place. No report of sale or notice of distribution has been filed in accordance with LBR 6004-1, and the disposition of net proceeds, if any, is unknown.

6. This case does not appear to be making any progress toward reorganization, as no disclosure statement nor proposed plan of reorganization has been filed by the Debtor since the commencement of this case, and monthly operating reports filed by the Debtor evidence an insufficient net income to support a feasible plan of reorganization. Therefore, continued residence in chapter 11 causes undue delay which is prejudicial to the creditors.

Wherefore, the U.S. trustee respectfully requests that the Court enter an Order, pursuant to section 1112(b), dismissing the Debtor's case, and that the Court grant such other relief as may be appropriate.

Respectfully submitted,

RICHARD F. CLIPPARD,
UNITED STATES TRUSTEE, REGION 8

/S/ BETH ROBERTS DERRICK, (TN BPR #7138)
Beth Roberts Derrick
Assistant U.S. Trustee, Region 8
Office of the U.S. Trustee
318 Customs House, 701 Broadway
Nashville, TN 37203
Tel: (615) 736-2254
Fax: (615) 736-2260
Email: beth.r.derrick@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2009 a true and correct copy of the foregoing Motion to Dismiss Pursuant to 11 U.S.C. §1112(b) was sent (1) via electronic notice to parties who are ECF Filers and Consenting Users, (2) via electronic notice to ECF Filers and Consenting Users who represent parties, and (3) via U. S. mail, postage prepaid to the parties listed on the attached matrix.

/S/Beth Roberts Derrick
BETH ROBERTS DERRICK

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

In Re:

HERMITAGE DEVELOPERS, INC.,

Debtor.

BK Case No.: 3:08-05050
Chapter 11
Judge Lundin

P R O P O S E D O R D E R
ORDER DISMISSING CHAPTER 11 CASE

This matter came before the Court as a result of the U.S. Trustee's Motion to dismiss Debtor's case filed pursuant to 11 U.S.C. § 1112(b) (the "U.S. Trustee's Motion") on November 20, 2009. There has been no opposition, as evidenced by the fact that no objections have been filed, or all objections have been withdrawn to the relief requested in the U.S. Trustee's Motion.

IT IS THEREFORE ORDERED that the Debtor's Chapter 11 Case is **DISMISSED** pursuant to 11 U.S.C. § 1112(b).

***THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY
AS INDICATED AT THE TOP OF THIS PAGE***

SUBMITTED FOR ENTRY:

RICHARD F. CLIPPARD,
UNITED STATES TRUSTEE, REGION 8

/S/ BETH ROBERTS DERRICK, (TN BPR #7138)

Beth Roberts Derrick
Assistant U.S. Trustee, Region 8
Office of the U.S. Trustee
318 Customs House, 701 Broadway
Nashville, TN 37203

Tel: (615) 736-2254

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Email: beth.r.derrick@usdoj.gov

Label Matrix for local noticing
0650-3
Case 3:08-bk-05050
MIDDLE DISTRICT OF TENNESSEE
Nashville
Tue Nov 17 09:38:28 CST 2009

Caterpillar Financial Services Corporation
c/o Austin L. McMullen
Boult, Cummings, Conners & Berry, PLC
1600 Division Street, Suite 700
P.O. Box 340025
Nashville, TN 37203-0025

Hermitage Developers, Inc.
4307 Central Pike
Hermitage, TN 37076-3233

MHC Financial Services, Inc.
Apperson, Crump & Maxwell, PLC
c/o Bruce M. Kahn, Esq.
6000 Poplar Avenue
Suite 400
Memphis, TN 38119-3972

Prestige Wood Furnishings, LLC
2315 Saundersville Ferry Road
Mount Juliet, TN 37122-1353

VOLVO FINANCIAL SERVICES, a division of VFS
PO BOX 26131
GREENSBORO, NC 27402-6131

84 Lumber Company
PO Box 365
Eighty Four PA 15330-0365

AMS Framing Co. LLC
1014 Saxony Lake Dr.
Antioch TN 37013-3790

Affinity Stone
90 Oceanside Dr
Nashville TN 37204-2360

Associated Masonry Products , Inc.
485 Allied Drive
Nashville TN 37211-3317

American Express Bank FSB
c/o Becket and Lee LLP
POB 3001
Malvern, PA 19355-0701

CitiCapital Commercial Corporation
c/o Joseph R. Prochaska, Esq.
Williams & Prochaska, P.C.
401 Church Street
Suite 2600
Nashville, TN 37219-2208

L&G Construction Company
c/o Daniel H. Puryear, Esquire
144 Second Avenue North
Suite 300
Nashville, TN 37201-1938

New South Federal Savings Bank
1900 Crestwood Boulevard
Birmingham, AL 35210-2034

TUNE ENTREKIN & WHITE PC
315 DEADERICK ST SUITE 1700
NASHVILLE, TN 37238-1700

WILSON BANK & TRUST
1476 MT JULIET RD
MOUNT JULIET, TN 37122-3341

AC Concrete
1615 Bill Eller Dr.
La Vergne TN 37086-3147

Ace USA
c/o Izzo Insurance Services Inc.
7234 W. North Ave
Elmwood Park IL 60707-4239

American Express
PO Box 297879
Fort Lauderdale FL 33329-7879

Austermiller Roofing, Inc.
2006 Shoreline Dr.
Mount Juliet TN 37122-2274

CULLUM WOOD PRODUCTS, INC.
C/O V. A. MELTON, JR.
211 DONELSON PIKE
STE. 210
NASHVILLE, TN 37214-2932

FLAGPRO
C/O THOMAS PATRICK WALL, III
223 MADISON STREET
STE.207
MADISON, TN 37115-3663

METROPOLITAN GOVERNMENT OF NASHVILLE & DAVID
Department of Law
Metropolitian Courthouse, Suite 108
P.O. Box 196300
Nashville, TN 37219-6300

PARMAN LUBRICANTS CORPORATION
C/O JOHN A. MUELLER, ESQ.
144 2ND AVE N
SUITE 300
NASHVILLE, TN 37201-1938

Tennessee Department of Revenue
c/o TN Atty Gen. Off., Bank Div.
P.O. Box 20207
Nashville, TN 37202-4015

701 Broadway Room 170
Nashville, TN 37203-3944

ACE PROPERTY AND CASUALTY INS CO
C/O ACE USA
436 WALNUT ST WA04K
PHILADELPHIA PA 19106-3703

Advanced Exterior Waterproofing
2599 Phillips Road
Lebanon TN 37087-7377

Apps T.V. Inspection
3863 Pleasant Grove Road
White House TN 37188-5146

Brown's Concrete and Block Co. INC
204 Cowan Rd.
Dickson TN 37055-2434

CLOUD CONCRETE PRODUCTS div. OLDCASTLE PRECAST, INC. 5900 EAST DIVISION LEBANON, TN 37090-6403	Caterpillar Financial Service P.O. Box 34001 Nashville TN 37203	Caterpillar Financial Services Corp P.O. Box 34001 Nashville TN 37203
Caterpillar Financial Services Corporation c/o Austin L. McMullen Boult, Cummings, Conners & Berry, PLC 1600 Division Street, Suite 700 Nashville, TN 37203-2771	Caterpillar/D4 P.O. Box 34001 Nashville TN 37203	Caterpillar Financial Services Corp. P.O. Box 34001 Nashville TN 37203
Cenwood Appliance Distributors 4015 Armory Oaks Drive Nashville TN 37204-4577	Charles E. and/or Carol B. Haynes 6679 Duck Pond Lane Sarasota, FL 34240-6605	CitiCapital P.O. Box 6229 Carol Stream IL 60197-6229
CitiCapital Commercial Corporation Attn: Tessa Dominy 3950 Regent Blvd., Mail Stop S2B-230 Irving, Texas 75063-2244	CitiCapital/Volvo/ EC 330 BLC P.O. Box 6229 Carol Stream IL 60197-6229	Civil Site 630 Southgate Ave. Suite A Hermitage TN 37076
Claud Heating & Cooling Inc. 322 Willhagan Road Nashville TN 37217-1146	Cloud Concrete Products P.O. Box 402721 Atlanta GA 30384-2721	Contech Stormwater Solutions 12021 B NE Airport Way Portland OR 97220-1169
Creative Home Designs, Inc. 745 S. Church Street, Ste.230 Murfreesboro TN 37130-4996	Cullum Wood Products 216 Shady Grove Rd. Nashville TN 37214-2103	Darryl Stachowiak 7067 Beckwith Road Mount Juliet TN 37122-6010
Emser Tile 8431 Stant Monica Blvd West Hollywood CA 90069	Ferguson Enterprises, INC 1708 Elm Hill Pike Nashville TN 37210-3708	Flagpros 1252 S. Gallatin Road Madison TN 37115-4613
Fleetco Leasing, LLC 1336 Foster Ave. Nashville TN 37210-4410	GTI South, Inc. P.O. Box 160 Falling Waters WV 25419-0160	Gilley Trucking LLC 548 Holt Road Lebanon TN 37087-0403
Harris Electric Supply Company P.O. Box 24707 Nashville TN 37202-4707	Hayes & Associates P.O. Box 448 Madison TN 37116-0448	Hayes Pipe Supply, Inc. P.O. Box 101550 Nashville TN 37224-1550
Henley Supply Millwork INC Box 306 Decherd TN 37324-0306	Hertz Equipment Rental Corp. 14501 Quail Springs PW Oklahoma City OK 73134	(p)INTERNAL REVENUE SERVICE CENTRALIZED INSOLVENCY OPERATIONS PO BOX 21126 PHILADELPHIA PA 19114-0326

J & J Services, INC
504 Autumn Springs Ct. Unit 18
Franklin TN 37067-2849

Jan's Painting & Drywall
231 Deluin Drive
Antioch TN 37013-4057

Jeffco Flooring & Supply
831 Fessler's Pkwy
Nashville TN 37210-2902

John Deere Landscapes
109 Edison Street
Nashville TN 37211-2071

Joshua Pierce d/b/a Pierce Exteriors
3024 Lillard Pl
Lebanon TN 37087-5952

Lowe's
P.O. Box 2918
Mission KS 66201-1318

MHC Financial Services, Inc.
Apperson, Crump & Maxwell, PLC
c/o Bruce M. Kahn, Esq.
6000 Poplar Avenue, Suite 400
Memphis, TN 38119-3972

Metro Carpets, LLC
1525 Elm Hill Pike
Nashville TN 37210-3601

N & E Roofing
P.O. Box 110372
Nashville TN 37222-0372

Nashville Marble & Whirlpool Bath, LLC
333 Sand Hill Road
La Vergne TN 37086-2420

Nationwide Mutual Insurance
P.O. Box 182194
Columbus OH 43218-2194

New South Federal Savings Bank
510 Lorna Square
Birmingham AL 35216-5480

Orgain Builders Supply
P.O. Box 969
Clarksville TN 37041-0969

Palmer Enterprises
603 Idlewood Drive
Mount Juliet TN 37122-2115

Parman Lubricants
7101 Cockrill Bend Blvd
Nashville TN 37209-1005

Plan Express
3003 Airways Blvd Suite 2147
Memphis TN 38131-0117

Prestige Wood Furnishings, LLC
2315 Saundersville Ferry Road
Mt. Juliet, TN 37122-1353

Quality -Plus Kitchens
1205B Antioch Pike
Nashville TN 37211-3103

Ram Tool and Supply Company, Inc
c/o Cloud & Tidwell, LLC
1625 Richard Arrington Jr Blvd S
Birmingham, AL 35205-4901

Recovery Management Systems Corporation
For GE Money Bank
dba LOWE'S
25 SE 2nd Ave Ste 1120
Miami FL 33131-1605

Rochelle, McCulloch & Aulds, PLLC
109 N. Castle Heights Ave
Lebanon TN 37087-2739

Roofing Supply Group, Inc Of Nashville
1707 River Hills Drive
Nashville TN 37210-2312

Scott Equipment
1231 Bridgestone Parkway
La Vergne TN 37086-3510

Scott Equipment Company, LLC
P O Box 4948
Monroe, Louisiana 71211-4948

Smyrna Ready Mix
4475 Hickory Grove Road
Murfreesboro TN 37129

Smyrna Ready Mix, LLC
c/o G. Christopher Holder
503 North Maple Street
Murfreesboro, TN 37130-2833

Southland Bathing Products
118 Midtown Court Building H
Hendersonville TN 37075-2353

Star Bright Luxury Tile, Inc
5161 Rice Road #5
Antioch TN 37013-2016

Superior Drywall of TN, LLC
P.O. Box 292301
Nashville TN 37229-2301

Tennessee Department of Revenue
c/o Attorney General
P.O. Box 20207
Nashville, TN 37202-4015

The Contractor Yard
ProBuild East LLC
900 W Trade Street Ste 715
Charlotte NC 28202-1144

Thompson Machinery
1245 Bridgestone Blvd
La Vergne TN 37086-3510

Titan Electric
1127 Cedar Grove Raod
Lebanon TN 37087-7988

Titan Gate & Fence Company
1518 W. College Street
Murfreesboro TN 37129-1726

US TRUSTEE
OFFICE OF THE UNITED STATES TRUSTEE
701 BROADWAY STE 318
NASHVILLE, TN 37203-3966

Valley Interiors Products
350 Hermitage Ave.
Nashville TN 37210-2158

Volvo Financial Services
P.O. Box 26131
Chattanooga TN 37402

Volvo Financial Services, a division of VFS
P.O. Box 26131
7025 Albert Pick Road, Ste. 105
Greensboro, NC 27409-9519

Volvo Financial Services, a division of VFS
PO Box 26131
7025 Albert Pick Road Sutie 105
Greensboro NC 27409-9539

WILSON BANK & TRUST
MT. JULIET OFFICE
1476 NORTH MT. JULIET ROAD
MT. JULIET, TN 37122-3341

Wamble & Associates, PLLC
40 Middleton Street
Nashville TN 37210-2041

Weatherford and Associates, LLC
1301 Central Ct.
Hermitage TN 37076-3153

Williams Information Technologies
1227 Palmer Road
Lebanon TN 37090-8207

Wilson County Tennessee
109 North Castle Heights Avenue
Lebanon, TN 37087-2738

JOSEPH P RUSNAK
TUNE ENTREKIN & WHITE PC
AMSOUTH CENTER STE 1700
315 DEADERICK STREET
NASHVILLE, TN 37238-3000

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
P O BOX 21126
PHILADELPHIA PA 19114-0326

(d)Internal Revenue Services
801 Broadway
M/S MDP 146
Nashville, TN 37203

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)American Express Bank FSB
c/o Becket and Lee LLP
POB 3001
Malvern PA 19355-0701

(d)CULLUM WOOD PRODUCTS, INC.
C/O V. A. MELTON, JR.
211 DONELSON PIKE, STE. 210
NASHVILLE, TN 37214-2932

(d)FLAGPRO
C/O THOMAS PATRICK WALL, III
223 MADISON STREET, STE. 207
MADISON, TN 37115-3663

(d)Parman Lubricants Corporation
c/o John A. Mueller, Esq.
144 2nd Ave N
Suite 300
Nashville, TN 37201-1928

(d)Prestige Wood Furnishings
2315 Saundersville Ferry Road
Mount Juliet TN 37122-1353

(u)Dwight Smith
Crye-Leike

End of Label Matrix
Mailable recipients 104
Bypassed recipients 6
Total 110